

value of such property. From the entire actual value of the property within the state so ascertained, there shall be deducted by the said council the actual value of all cars locally assessed, and one-fourth of the residue of such actual value so ascertained, shall be by the executive council assessed to said company.

***SEC. 6. Tax—when due.** The council shall also at said meeting determine the rate of tax to be levied and collected upon said assessments, which shall be equal, as nearly as may be, to the average rate of taxes, state, county, municipal and local, levied throughout the state during the previous year, which rate shall be ascertained from the records and files in the auditor's office, and said tax shall be in full of all taxes except on real estate, personal property locally assessed, and special assessments, and shall become due and payable at the state treasury on the first day of February following the levy thereof, and if not so paid, the state treasurer shall collect the same by distress and sale of any property belonging to such company in the state in the same manner as is required of county treasurers in like cases; and the order of the executive council in such cases shall be sufficient authority therefor.

SEC. 7. "Company" defined. The word "company" as used in this act, shall be deemed and construed to mean any person, copartnership, association, corporation or syndicate that may own or operate, or be engaged in operating, furnishing or leasing cars, as defined and described in section one of this act, whether formed or organized under the laws of this state, or any other state or territory, or any foreign country.

SEC. 8. Stockholders. The individual stockholders or owners of interests of said companies shall not be required to list their shares or interests in such companies so long as the companies pay the taxes on their property as herein provided.

SEC. 9. In effect. This act, being deemed of immediate importance, shall take effect on and after its publication in the Iowa State Register and Des Moines Leader, published in Des Moines, Iowa.

Approved April 12, 1902.

I hereby certify that the foregoing Act was published in the Des Moines Leader, April 15, 1902, and in the Iowa State Register, April 18, 1902.

W. B. MARTIN,
Secretary of State.

CHAPTER 63.

THE REFUNDING OF SURPLUS COLLATERAL INHERITANCE TAX.

H. F. 245.

AN ACT to refund to administrators and executors any surplus they have paid to the treasurer of state as collateral inheritance tax in excess of that legally due. [Amendatory of chapter four (4), of title seven (VII) of the code, chapter thirty-seven (37) of the Acts of the Twenty-seventh General Assembly and chapter fifty-seven (57) of the Acts of the Twenty-eighth General Assembly, relating to assessment and collection of collateral inheritance tax.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Surplus tax—how and when refunded. That when a court of competent jurisdiction has or may hereafter determine that property, upon which a collateral inheritance tax has been paid, is not subject to or liable for the payment of such tax, so much of such tax which has been overpaid to the treasurer of state, shall be returned or refunded to the executor or administrator of such estate, or to those entitled thereto, when a certified copy of the record of such court showing the fact of non liability of such property to the payment of such tax has been filed with the executive council of the state, the executive council shall issue an order to the auditor of the state directing him to issue a warrant upon the treasurer of the state to refund such tax.

*There is no section 5 in the enrolled bill of this act.

SEC. 2. Notice of hearing. Such order of court shall not be given until fifteen days notice of the application therefor shall be given to the treasurer of state of the time and place of the hearing of such application, which notice shall be served in the same manner as provided for original notices.

Approved April 10, 1902.

CHAPTER 64.

THE LEVYING, CERTIFYING AND COLLECTION OF ROAD TAX.

H. F. 266.

AN ACT to amend sections fifteen hundred and twenty-eight (1528), fifteen hundred and thirty-three (1533), fifteen hundred and fifty-four (1554) of the code and for the repeal of section fifteen hundred and forty-two (1542) and enacting a substitute therefor, relative to the levying, certifying and collection of road tax.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Rate of property tax for road purposes. That section fifteen hundred and twenty-eight (1528) of the code be amended by striking out the word "amount" in the sixth line of said section and inserting in lieu the word "rate".

SEC 2. Road tax—how expended. That section fifteen hundred and thirty-three (1533) of the code be amended by inserting after the words "road tax" and before the words "to be", in the fourteenth line of said section, the words "locally assessed".

SEC. 3. Delinquent tax certified. That section fifteen hundred and forty-two (1542) of the code be repealed and the following enacted in lieu of the same:

"Section 1542. He shall, on or before the second Monday of November of each year, make out a certified list of all property, including lands, town lots, personal property and property otherwise assessed, including assessments by the executive council on which the road tax has not been paid in full, and the amount of tax charged on each separate assessment or parcel of said property, designating the district in which the same is situated and transmit the same to the county auditor, who shall enter the amount of tax on the lists the same as other taxes, and deliver the same to the county treasurer, charging him therewith which shall be collected in the same manner as county taxes are collected. In case the township clerk shall fail or neglect to make such return, he shall forfeit and pay to the township for road purposes a sum equal to the amount of tax on said property, which may be collected by an action on his bond."

SEC. 4. Report—what to contain. That section fifteen hundred and fifty-four (1554) of the code be amended by inserting after the word "all" and before the word "lands" in the twelfth and fifteenth lines of said section the words "property including".

SEC. 5. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the publication of the same in the Iowa State Register and the Des Moines Daily Leader, newspapers published at Des Moines, Iowa.

Approved March 25, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, March 27, 1902.

W. B. MARTIN,
Secretary of State.